

INTERFERENCE DIGEST

Interference No. 105,274

Paper No.

Name: Joseph P. Steiner, et al.

Serial No.: 09/873,298

Patent No.

Title: Rotamase enzyme activity inhibitors

Filed: 06/05/01

Interference with Armistead

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge James T. Moore
Telephone: 571-272-9797
Facsimile: 571-273-0042

MAILED

MAR 2 - 2005

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: STEINER
Application No.: 09/873,298
Filed: 06/05/01
For: Rotamase enzyme activity inhibitors

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,274.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

JAMES T. MOORE
Administrative Patent Judge

Filed by:
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Filed :
March 2, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

David M. Armistead
Junior Party
(Patent 6,124,328)

v.

Joseph P. Steiner
and
Gregory S. Hamilton
Senior Party
(Application 09/873,298)

Patent Interference No. 105,274

DECLARATION

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge James T. Moore has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **April 25, 2005 at 1:00 p.m. (the Board will initiate the call).**

No later than two business days prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: David M. Armistead, Maynard, Massachusetts

Patent: 6,124,328, granted September 26, 2000

Title: Methods and Compositions for Stimulating Neurite Growth

Assignee: Vertex Pharmaceuticals, Incorporated
40 Allston Street
Cambridge, Massachusetts 02139

Accorded Benefit: 08/486,004, June 8, 1995 (now patent 5,654,332)

Senior Party

Named Inventors: Joseph P. Steiner, Mount Airy, Maryland
Gregory S. Hamilton, Catonsville, Maryland

Application: 09/873,298, filed June 5, 2001

Title: Rotamase Enzyme Activity Inhibitors

Assignee: GPI NIL Holdings, Inc.
222 Delaware Avenue
Wilmington, Delaware 19899

Accorded Benefit:

08/551,026, filed October 31, 1995

09/359,351, filed July 21, 1999 (now Patent 6,509,477)

08/693,003, filed August 6, 1996

08/479,436, filed June 7, 1995 (now Patent 5,614,547)

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

A method according to claims 1, 4, or 12 of Patent 6,124,328

or

a method according to claim 44 of Application 09/873,298.

The claims of the parties are:

Armistead: Claims 1-13

Steiner: Claims 41, 42, 44, 45, 46, 47, 48 and 49.

The claims of the parties which correspond to Count 1 are:

Armistead: Claims 1-13

Steiner: Claims 41, 42, 44, 45, 46, 47, 48 and 49.

The claims of the parties which do not correspond to Count 1, and
therefore are not involved in the interference, are:

Armistead: none

Steiner: none

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference. See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge James T. Moore)

David M. Armistead

Junior Party

(Patent 6,124,328)

v.

Joseph P. Steiner

and

Gregory S. Hamilton

Senior Party

(Application 09/873,298)

Patent Interference No. 105,274

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,124,328
Copy of claims of 09/873,298

Revised September 2004

cc (via overnight delivery):

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